

capacity, the environmental radiological conclusions stated in the staff's Environmental Assessment dated September 13, 1984, are not altered by the storage of 45 additional spent fuel assemblies.

Nonradiological Assessment

In the staff's Environmental Assessment dated September 13, 1984, the staff also concluded that the nonradiological impacts of the OCNCS as designed, were considered in the Final Environmental Statement (FES) issued in December 1974 and that the OCNCS spent fuel pool expansion will not result in nonradiological environmental effects significantly greater or different from those already reviewed and analyzed in the FES.

Considering the smaller incremental addition to the licensed storage capacity, the environmental nonradiological conclusions stated in the staff's Environmental Assessment dated September 13, 1984, are not altered by the storage of 45 additional spent fuel assemblies.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to the action would be to deny the request. Such action would likely result in higher personnel exposure and schedular delays. As discussed previously the licensee is constructing an on-site spent fuel storage facility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Oyster Creek Nuclear Generating Station.

Agencies and Persons Consulted

In accordance with its stated policy, the staff consulted with the New Jersey State official regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter

dated November 25, 1994, as supplemented by letter dated February 15, 1995, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Ocean County Library, Toms River, NJ 08753.

Dated at Rockville, Maryland, this 29th day of March 1995.

For the Nuclear Regulatory Commission.

Phillip F. McKee,

Director, Project Directorate I-3, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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[Docket No. 50-410]

Niagara Mohawk Power Corporation; Nine Mile Point Nuclear Station—Unit 2 Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of exemptions from Facility Operating License No. NPF-69, issued to Niagara Mohawk Power Corporation (the licensee), for operation of the Nine Mile Point Nuclear Station, Unit 2 (NMP-2) located in Oswego County, New York.

Environmental Assessment

Identification of the Proposed Action

This Environmental Assessment has been prepared to address potential environmental issues related to the licensee's application of March 9, 1995. The proposed action would exempt the licensee from: (1) The requirements of 10 CFR Part 50, Appendix J, Paragraph III.D.1.(a), to permit a one-time interval extension between the first and second Type A test (containment integrated leak rate test) for approximately 24 months from the 1995 refueling outage to the 1997 refueling outage.

The Need for the Proposed Action

The proposed action is needed to permit the licensee to defer the Type A test from the 1995 refueling outage to the 1997 refueling outage, thereby deferring the cost of performing the tests and eliminating the time required to perform the test from the critical path schedule during the upcoming spring 1995 refueling outage.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the one-time interval

extension between the first and second Type A tests would not increase the probability or consequences of accidents previously analyzed and the proposed exemptions would not affect facility radiation levels or facility radiological effluents. The licensee has analyzed the results of previous Type A tests performed at NMP-2 to show good containment performance and will continue to be required to conduct the Type B and C local leak rate tests which historically have been shown to be the principal means of detecting containment leakage paths with the Type A tests confirming the Type B and C test results. It is also noted that the licensee, as a condition of the proposed exemption, will perform the visual containment inspection although it is only required by Appendix J to be conducted in conjunction with Type A tests. The NRC staff considers that these inspections, though limited in scope, provide an important added level of confidence in the continued integrity of the containment boundary. The change will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and radiation exposure. Accordingly, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological impacts, the proposed action does involve features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the NRC staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Nine Mile Point Nuclear Station, Unit 2.

Agencies and Persons Consulted

In accordance with its stated policy, the NRC staff consulted with the New York State official regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated March 9, 1995, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Reference and Documents Department, Penfield Library, State University of New York, Oswego, New York 13126.

Dated at Rockville, Maryland, this 29th day of March 1995.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Director, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

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[Docket No. 50-245]

Northeast Nuclear Energy Company; Notice of Withdrawal of Application for Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Northeast Nuclear Energy Company (the licensee) to withdraw its June 23, 1994, application for proposed amendment to Facility Operating License No. DPR-21 for Millstone Nuclear Power Station, Unit 1, located in New London County, Connecticut.

The proposed amendment would have reworded Technical Specification 3.7, "Containment Systems," to permit operation with one of the two circuits of the reactor building ventilation logic temporarily inoperable. In addition, Section 3.7.C.1.b would have been reworded to prohibit movement of irradiated fuel, or movement of any loads over irradiated fuel, without secondary containment integrity.

The Commission had previously issued a Notice of Consideration of

Issuance of Amendment published in the **Federal Register** on August 31, 1994 (59 FR 45029). However, by letter dated March 15, 1995, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated June 23, 1994, and the licensee's letter dated March 15, 1995, which withdrew the application for license amendment. The above documents are available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Learning Resource Center, Three Rivers Community-Technical College, Thames Valley Campus, 574 New London Turnpike, Norwich, CT 06360.

Dated at Rockville, Maryland, this 27th day of March 1995.

For the Nuclear Regulatory Commission.

James W. Andersen,

Project Manager, Project Directorate I-4 Division of Reactor Projects—I/II Office of Nuclear Reactor Regulation.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-35547; File No. SR-CHX-95-08]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Chicago Stock Exchange, Inc., Relating to Order Execution Guarantees

March 29, 1995.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. § 78s(b)(1), notice is hereby given that on March 2, 1995, the Chicago Stock Exchange, Incorporated ("CHX" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Article XX, Rule 37 to add a new subsection (d) thereunder. The text of

the proposed rule change is as follows [new text is italicized]:

Article XX

Rule 37(d) *Notwithstanding anything herein to the contrary, a specialist may voluntarily provide order execution guarantees more favorable than those required pursuant to this Rule 37 (i.e., greater size, better price, limitations on partial executions, etc.). At the request of a specialist, the Exchange may provide for automatic execution of orders in accordance with such guarantees upon such terms and conditions as the Exchange shall determine. In either event, failure of a specialist to honor a promised guarantee shall be deemed a violation of Exchange rules.*

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to give specialists on the Exchange the ability to provide order execution guarantees that are more favorable than those required under the BEST Rule¹ through the Exchange's automated execution system ("MAX").²

¹ See *Chicago Stock Exchange Guide*, Article XX, Rule 37(a). (CCH) ¶ 1714.

² The Exchange has indicated to the Commission that this proposed rule change will have the effect of an "enabling rule" whereby specialists may provide better guarantees than currently is required under the Rules through the Exchange's Midwest Automated Execution System ("MAX"). The Exchange expects modifications to the parameters of the automated execution system to be on a per stock basis and the specific execution programs that are necessary to implement these guarantees will be filed in the future under Section 19(b)(3)(A). Telephone conversation with Craig Long and David Rusoff, Foley & Lardner, and Julio Mojica, Susan Lee, and Jennifer Choi, SEC, on March 10, 1995. The Exchange has indicated that the number of parameters for the automated executions will be limited. The Exchange anticipates that the options would include: a system allowing thirty-second order exposure, the automated execution system within MAX in which a Specialist may voluntarily choose to participate on a stock by stock basis ("SuperMAX"), and the enhanced version of SuperMAX ("Enhanced SuperMAX"), which is

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